

REMARKS

Initially, in the Office Action dated October 4, 2003, the Examiner rejects claims 1-47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,571,095 (Koodli) in view of U.S. Patent No. 6,608,832 B2 (Forslow).

Claims 1-47 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1-47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Koodli in view of Forslow. Applicants respectfully traverse these rejections.

Koodli discloses providing mobile terminals with the address of and access to application services. A network in accordance with the invention includes a plurality of mobile terminals which transmit and receive information transmitted through the network; at least one storage, coupled to the network, which is accessible by the plurality of mobile terminals that provides services to the mobile terminals; and a directory storage, coupled to the plurality of mobile terminals, which stores addresses of the at least one storage and which provides in response to a communication at least one address of the at least one storage to at least one of the mobile terminals with which the plurality of terminals may communicate to obtain service therefrom.

Forslow discloses applications running on a mobile station or an external network entity such as an Internet service provider may specify on an individual application flow basis a requested quality of service. From that requested quality of

service, an optimal type of bearer to transfer the application flow through the mobile communications network is determined. A circuit-switched bearer may be allocated if the request is for a real-time service, and a packet-switched bearer may be allocated if the request is for a non-real time type of service. Other decision making criteria may be employed.

Regarding claims 1, 13, 25, 33 and 44-47, Applicants submit that neither Koodli nor Forslow, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, carrying call control information after a call handover between and IP-based protocol and a circuit switched cellular network that includes generating a first message containing call control information, the first message being of an IP-based protocol or a circuit switched cellular network; encapsulating the first message into a second message; transferring the second message to a network element, the network element being part of a circuit switched cellular network or packet switched network; encapsulating, at the network element, the second message into a third message; transferring the third message to a gateway; extracting, at the gateway, the first message from the third message; and sending the first message to a server in an IP packet switched network or circuit switched cellular network, where the first message is carried through the circuit switched network or packet switched network transparently. The Examiner asserts that Koodli discloses generating a first message containing call control information, the first message being of an IP-based protocol at col. 2 lines 21-32, mobile terminal 12, and Fig. 2. However, these

portions of Koodli merely discloses that a CPS performs setting up, controlling and tearing down VoIP calls. These portions of Koodli do not disclose or suggest generating a first message or the first message being of an IP-based protocol, as recited in the claims of the present application. The CPS performing setting up, controlling and tearing down VoIP calls may be performed using GPRS message protocols and does not disclose or suggest generating a message of an IP-based protocol.

Further, the Examiner asserts that Koodli discloses encapsulating the first message into a second message at col. 6 lines 22-34. However, these portions of Koodli merely disclose that the mobile terminals may obtain VoIP services from service providing server 52 and that the functionality for providing application level services to the mobile terminals is dependent upon effective advertisement and discovery of the available services. This is not encapsulating a first message into a second message, as recited in the claims of the present application. These portions of Koodli do not disclose or suggest anything related to encapsulating or encapsulating a message into a second message. These portions of Koodli merely relate to providing services to the mobile terminals. In addition, the Examiner asserts that Koodli discloses transferring the second message to a network element, the network element being part of a circuit switched cellular network at col. 8 line 60-col 9 line 14. However, these portions of Koodli merely disclose a cellular network such as GSM, connected to a packet data network through a gateway where the gateway maps addressing used by the mobile terminals in the cellular network with

addressing used in the packet data network. This is not transferring the second message to a network element, the network element being part of a circuit switched cellular network (or a packet switched network), as recited in the claims of the present application. These portions of Koodli do not disclose or suggest transferring a second message (with an encapsulated first message) to a network element. These portions of Koodli merely related to mapping addressing in a gateway between a cellular network and a packet data network.

Moreover, the Examiner asserts that Koodli discloses encapsulating, at the network element, the second message into a third message at MSC 24, and Fig. 2. However, these portions of Koodli merely disclose a Mobile Switching Center (MSC). This is simple a network device and does not disclose encapsulating or encapsulating a second message (with an encapsulated first message) into a third message, as recited in the claims of the present application. The Examiner asserts that Koodli discloses transferring the third message to a gateway at gateway node 32, and Fig 2. However, as noted previously, Koodli does not disclose or suggest a second message (with an encapsulated first message) or a third message (with an encapsulated second message) and thus does not disclose or suggest transferring the third message to a gateway, as recited in the claims of the present application. The Examiner asserts that Koodli discloses extracting, at the gateway, the first message from the third message; and sending the first message to a server in an IP packet switched network at server 50, Fig 2, and data network 46. However, as noted previously, Koodli does not disclose or suggest a second message (with an

encapsulated first message) or a third message (with an encapsulated second message) and thus does not disclose or suggest extracting, at the gateway, the first message from the third message; and sending the first message to a server in an IP packet switched network (or a circuit switched network), as recited in the claims of the present application. The portions of Koodli do not disclose or suggest anything related to extracting a first message from a third message or sending the extracted first message to a server.

The Examiner admits that Koodli does not disclose or suggest a first message being carried through a circuit switched network transparently, but asserts that this was well-known in the art based on Forslow and that doing so would provide a quality service for end-to-end communication. However, as noted previously, Forslow merely discloses applications running on a mobile station or an external network entity may specify on an individual application flow basis a requested quality of service and from that requested quality of service, an optimal type of bearer to transfer the application flow through the mobile communications network is determined. A circuit-switched bearer may be allocated if the request is for a real-time service, and a packet-switched bearer may be allocated if the request is for a non-real time type of service. Forslow discloses allocating a bearer to transfer an application flow based on a requested quality of service. This is not a first message being carried through a circuit switched network (or a packed switched network) transparently, as recited in the claims of the present application. The claims of the present application related to a message of a first network type (circuit

switched/packet switched) being encapsulated and transparently transferred through a second network type (packet switched/circuit switched) (without conversion to the second network type messages) and received (after extraction) at a first network type (circuit switched/packet switched). These features are not disclosed or suggest by Koodli or Forslow.

Regarding claims 2-12, 14-24, 26-32 and 34-43 Applicants submit that these claims are dependent on one of independent claims 1, 13, 25 and 33 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicants submit that none of the cited references disclose or suggest the generating and first encapsulating being performed at a user device, or where the user device is a mobile phone.

Accordingly, Applicants submit that neither Koodli nor Forslow, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-47 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-47 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/617,817

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 0172.38719X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600